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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
Equal Access and Interconnection) CC Docket No. 94-54
Obligations Pertaining to) RM-8012
Commercial Mobile Radio Services)

To: The Commission

REPLY COMMENTS
of
PUERTO RICO TELEPHONE COMPANY

Puerto Rico Telephone Company ("PRTC"), by its attorneys and pursuant to 47 C.F.R. § 1.415(c), hereby files its Reply Comments on the Commission's Notice of Proposed Rule Making ("NPRM") in the above-captioned proceeding.^{1/}

INTERSTATE INTERCONNECTION OF LECs AND CMRS
PROVIDERS SHOULD BE GOVERNED BY TARIFF

The Commission should heed the suggestion of PRTC, and others in this proceeding,^{2/} and require that the interstate services portion of LEC-to-CMRS interconnection arrangements be tariffed. The Commission's good faith negotiation policy has worked^{3/} over the last decade because LECs generally have had to

^{1/} FCC 94-145 (rel. July 1, 1994). By Order released August 11, 1994 (DA 94-877), the time for filing reply comments in this proceeding was extended until October 13.

^{2/} See, e.g., Comments of New York State Department of Public Service at 5 ("[T]he Commission should move to a policy of requiring tariffs to avoid potential claims of discrimination.").

^{3/} At least one commenter has found that "the current system of 'good faith' negotiations . . . simply does not work." Comments of Point Communications Company at 5.

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engage in negotiations over the terms of interconnection with only one principal party (i.e., the nonwireline cellular carrier) and, in turn, ensure that the terms of that arrangement are no less favorable than those afforded their own cellular affiliates. This process, when extended to additional mobile carriers, could undermine the realization of fair interconnection terms for emerging commercial mobile radio service (CMRS) providers. Up to six new PCS licensees (possibly more with partitioning of licenses) as well as SMR providers may seek interconnection in the near future. That LECs may have to "remodel" a half dozen or more interconnection agreements each time a new one is negotiated is simply untenable.^{4/}

It is no accident that the California Public Utilities Commission recently found that tariffed interconnection (1) "will reduce the likelihood that a new entrant into the wireless market will be at a disadvantage when negotiating interconnection arrangements with an LEC," and (2) "will reduce the opportunity for LECs to favor their affiliates in the wireless market."^{5/} CMRS providers should not be relegated to a state of "relative certainty" (NPRM at para. 111) that the good faith negotiation policy purportedly provides. Rather, they should be afforded the

^{4/} Indeed, the U.S. General Services Administration predicts "mass confusion, and serious inequities arising, if the Commission does not act now to establish LEC tariffs for CMRS providers." Comments of General Services Administration at 6.

^{5/} Comments of California Public Utilities Commission at 3.


benefit of transparent and nondiscriminatory interconnection terms pursuant to tariff.^{6/}

CONCLUSION

WHEREFORE, in view of the foregoing and for the reasons stated in PRTC's September 12 comments in this proceeding, the Commission should adopt rules which require the tariffing of interstate interconnection arrangements between LECs and CMRS providers.

October 13, 1994

Respectfully submitted,



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^{6/} See Comments of National Cellular Resellers Association at 19 ("[T]ariffing is the most effective way of assuring that these rates are fair, reasonable, and nondiscriminatory."); Comments of Nextel Communications, Inc. at 15 ("[T]here is a generally greater assurance that competing carriers are obtaining comparable interconnection rates, terms and conditions under the tariffing approach."); Comments of MCI TeleCommunications Corporation at 11 ("Tariffed interconnection offerings will assist in minimizing unlawful discrimination").

CERTIFICATE OF SERVICE

I, Ann M. Wilson, hereby certify that a copy of the foregoing Comments of Puerto Rico Telephone Company was mailed, postage prepaid this 13th day of October 1994 to the following:

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